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Fragment of the Month: October 2008

T-S AS 149.178: A Legal Query in Judaeo-Arabic concerning a Bashful Bride

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T-S AS 149.178 recto

While preparing a Geniza Responsa Catalogue sponsored by the Friedberg Genizah Project (and directed by Prof. M. A. Friedman), I identified a small fragment of special interest because of its social background and halakhic ramifications. The honorific titles written (in Hebrew) in the opening lines of the query are typically found in documents relating to Abraham Maimuni, Maimonides' son. The handwriting is probably not later than the 13th century, so this query might have been sent to him.

Although the MS is fragmentary, we are able to reconstruct its main story: Reuben ('Joe Bloggs') engaged (or betrothed, the verb *amlaka* in line 8 has both meanings) Shimon's ('Mr. So-and-so') daughter without seeing her. As the time of the wedding approached, Reuben demanded to see her first. At this point, the manuscript is badly damaged, but it appears that Shimon rejected Reuben's demand and argued that a man should see his bride only after he marries her.

According to the Babylonian Talmud, tractate *Qiddushin* 41b, a man is prohibited from betrothing a woman without first seeing her. Our query is clear evidence that this ruling was not always kept, and some people, for whatever reason, used to engage or betroth their wives-to-be without seeing them. The Mishna, *Ketubbot* 7:8 ruled that a man who marries a woman and finds a 'hidden-defect' in her, can have the marriage annulled, but if the defect is apparent, he can do nothing. Because Jewish women in Muslim lands used to cover their faces with veils, Maimonides (Mishne Torah, *Ishshut* 25, 2) took the social reality into account and ruled that in those lands a groom could object to an 'exposed' blemish as well, since women were secluded and their faces hidden. A halakhic work found in the Geniza similarly ruled that the Talmudic requirement to see a woman before betrothing her did not apply in Muslim lands, because there the women went about with their faces covered.

This fragment is the only known example of a groom's demand to see his bride before the wedding and her father's refusal to expose her to the groom. Unfortunately, the manuscript is not complete, and we don't know what decision was reached.

1 [...]ו

2 [...] הרב המו]בהק

3 [...] נ]ר המערבי

4 [...] יחיד] הדור אור

5 [...]העולם ופל]או ממזרח שמש

6 [...]ועד מבוא]ו ירום הודו ויגדל

7 [...]כבו]דו אמן [נ]צח סלה

- 8 [ראובן א] מלך עלי אבנה שמעון
- 9 [וטלב ר] אובן אן יבצר אבנה שמע
- 10 [וקאל ל] ה ראובן מא אזווג' אבנתך אלא
- 11 [...] בע] ד אבצרהא בעיני ואדכל עלי
- 12 [...] יאן מחץ פקאל שמעון אדא אראד
- 13 [...] א] חד? יבצר בנאת אלנאס ירוח
- 14 [וידכלהן] לחג'רה יקלב בעינה [י] ורנו [ר] בנו
- 15 [...] אן קול ראובן חק פי מא קאלה
- 16 [...] וית[בת?] ל...[.] ל שמעון קול ...
- 17 [...] וישרט? ראובן?

Translation

- 1–7 (Introductory phrases in Hebrew addressing the legal expert.)
- 8 [Reuben] engaged/betrothed Shimon's daughter.
- 9 Reuben [demanded] to see Shimon's daughter,
- 10 [and] Reuben [said to] him: 'I shall marry your daughter
- 11 only after seeing her with my eyes, so that I enter (the marriage?) with
- 12 complete [confidence (?)]. And Shimon told him: 'if
- 13 [... some]one wants to see other people's daughters, he should
- 14 [first bring them] into his jurisdiction [= marry them] and examine (them then) with his own eyes.' Would our Rabbi instruct us
- 15 [...] if Reuben's words are true
- 16 and valid(?) [...or] if Shimon's words are
- 17 and Reuben(?) shall stipulate(?)

To the best of my knowledge this MS has never been published or identified elsewhere. I want to thank Prof. M. A. Friedman for his comments.

Readers are invited to send comments to genizah@lib.cam.ac.uk. The Taylor-Schechter Genizah Research Unit is not under any obligation to acknowledge or to publish comments.

Bibliography

See M. A. Friedman. "Jewish Law as Witness to Sexual Mores among Jews in Islamic Countries during the Middle Ages: Veils and Temporary Marriage" [Hebrew], *Pe'amim* 45 [1990], pp. 91–99.

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